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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 3619
MICHAEL A. CALAMARI, ET AL)
Application Number: 09/815,920-817011) Examiner: F.B.VANAMAN
Filed: March 23, 2001)
Title: ELECTRONIC ENGINE SPEED)
CONTROLLER)
Attorney Docket No.: 98-808.1)

Peoria, Illinois 61629-6490
July 21, 2003

Mail Stop Petition
Deputy Commissioner of Patent Examination Policy
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR A PATENTABANDONED UNAVIDABLY UNDER 37 C.F.R. § 1.137 (a)

Sir/Madam:

OVERVIEW

Applicants respectfully petition the Deputy Commissioner to revive the above patent application due to the fact that it was abandoned unavoidably, as outlined and described in more detail in the following sections:

08/08/2003 AKELLEY 00000010 031129 09817011

01 FC:1001 750.00 DA
02 FC:1051 130.00 DA

BACKGROUND

On April 23, 2001, Applicants received a 'Notice To File Missing Parts of Non-Provisional Application', stating that the statutory basic filing fee was missing from the original filing papers for the above patent application. However, Applicants had submitted a 'Fee Transmittal' with the original filing of the above application and the Acknowledgement Card from the PTO stated that the Basic Filing Fee of \$710.00 had been paid through Deposit Account 03-1129. Therefore, Applicants called the Initial Patent Examination Division to

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determine an appropriate response to clarify the error at the PTO. The Initial Patent Examination Division stated that a 'Response to Notice to File Missing Parts under 37 CFR 1.53(b)' ("Response") could be faxed to 703-308-7751. On May 7, 2001, Applicants received a confirmation notice after the Response was faxed that such Response had been received "OK" to the PTO.

On January 13, 2003, Applicants sent an IDS to the PTO for the above patent application, along with form PTO 1449 (SB08), wherein such IDS related to information cited from a foreign patent office in a counterpart foreign application.

On July 11, 2003, Applicants received a 'Notice of Abandonment under CFR 1.53 (f) or (g)' ("Notice"), stating that the above application was abandoned for failure to timely or properly reply to the 'Notice to File Missing Parts' mailed in 4/23/2001. On July 18, 2003, Applicants again called the Initial Patent Examination Division and was told that the fax number previously given above, 703-308-7751, was given in error and was not the correct fax number for the Response.

PETITION REQUEST

Applicants respectfully believe that the above patent application was unavoidably abandoned in that Applicants were only made aware of this as of the July 11, 2003 Notice. Prior to such Notice, Applicants had done everything possible to respond to any outstanding issues presented by the PTO to Applicants. Therefore, Applicants hereby petition the Deputy Commissioner to revive the above patent application from unavoidable abandonment.

ATTACHMENTS

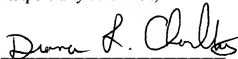
It should be noted that Applicants include herewith the Response faxed on May 7, 2001, along with a fax receipt stating that such fax was sent "OK". Further, Applicants include herewith a copy of the IDS, sent on January 13, 2003, in case such IDS was not received by the PTO.

CONCLUSION

It is respectfully believed that the above patent application is entitled to revival and revival is respectfully requested. Further, it is respectfully requested that the above patent application will proceed to without delay.

A Fee Transmittal, in duplicate, is attached. Please charge associated fees to Deposit Account No. 03-1129.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana L. Charlton", written over a horizontal line.

Diana L. Charlton
Registration No. 36,103
Caterpillar Inc.

Telephone: (309) 675-5083
DLC:vlm
Enc.